

SUBCOMMITTEE: COMMERCE, AGRICULTURE, NATURAL RESOURCES &

HOUSE BILL NO. 2009

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on _____

on _____)

(Patron Prior to Substitute--Delegate Krizek)

A BILL to amend and reenact § 10.1-1020 of the Code of Virginia, relating to Virginia Land Conservation Foundation; list of proposed projects.

Be it enacted by the General Assembly of Virginia:**1. That § 10.1-1020 of the Code of Virginia is amended and reenacted as follows:****§ 10.1-1020. Virginia Land Conservation Fund; purposes of Foundation.**

A. The Foundation shall establish, administer, manage, including the creation of reserves, and make expenditures and allocations from a special, nonreverting fund in the state treasury to be known as the Virginia Land Conservation Fund, hereinafter referred to as the Fund. The Foundation shall establish and administer the Fund solely for the purposes of:

1. Acquiring fee simple title or other rights, including the purchase of development rights, to interests or privileges in property for the protection or preservation of ecological, cultural or historical resources, lands for recreational purposes, state forest lands, and lands for threatened or endangered species, fish and wildlife habitat, natural areas, agricultural and forestal lands and open space; and

2. Providing grants to state agencies, including the Virginia Outdoors Foundation, and matching grants to other public bodies and holders for acquiring fee simple title or other rights, including the purchase of development rights, to interests or privileges in real property for the protection or preservation of ecological, cultural or historical resources, lands for recreational purposes, and lands for threatened or endangered species, fish and wildlife habitat, natural areas, agricultural and forestal lands and open space.

The Board shall establish criteria for making grants from the Fund, including procedures for determining the amount of each grant and the required match. The criteria shall include provisions for grants to localities for purchase of development rights programs.

27 Interests in land acquired as provided in subdivision 1 of this subsection may be held by the
28 Foundation or transferred to state agencies or other appropriate holders. Whenever a holder acquires any
29 interest in land other than a fee simple interest as a result of a grant or transfer from the Foundation, such
30 interest shall be held jointly by the holder and a public body. Whenever a holder acquires a fee simple
31 interest in land as a result of a grant or transfer from the Foundation, a public body shall hold an open
32 space easement in such land.

33 B. The Fund shall consist of general fund moneys and gifts, endowments or grants from the United
34 States government, its agencies and instrumentalities, and funds from any other available sources, public
35 or private. Such moneys, gifts, endowments, grants or funds from other sources may be either restricted
36 or unrestricted. For the purposes of this chapter, "restricted funds" shall mean those funds received by the
37 Board to which specific conditions apply; "restricted funds" shall include, but not be limited to, general
38 obligation bond moneys and conditional gifts. "Unrestricted funds" shall mean those received by the
39 Foundation to which no specific conditions apply; "unrestricted funds" shall include, but not be limited
40 to, moneys appropriated to the Fund by the General Assembly to which no specific conditions are attached
41 and unconditional gifts.

42 Beginning July 1, 2019, the Foundation shall conduct a grant round each year to identify and rank
43 projects for the subsequent fiscal year. Biennially in the odd-numbered years, the Foundation shall assume
44 an amount of funding of the grant program as provided in the general appropriation act. Biennially in the
45 even-numbered years, the Foundation shall assume the most recent amount of funding of the grant
46 program as specified in the most recently enacted general appropriation act. On or before December 15 of
47 each year, the chairman of the Board of Trustees shall provide copies of such project rankings to the
48 Chairmen of the House Committee on Appropriations and the Senate Committee on Finance. At the
49 beginning of each fiscal year, the Foundation shall finalize grant awards based on the funded level
50 appropriated for that year, as provided in subsections C and D. Any ranked project that does not receive a
51 proposed grant as a result of an insufficiency in appropriated funds shall be eligible to participate in a
52 subsequent grant round.

53 C. In any fiscal year-in for which the Fund-contains is appropriated less than \$10 million-in new
54 ~~deposits on September 1~~, and after an allocation for administrative expenses has been made as provided
55 in subsection G, the remaining unrestricted funds in the Fund shall be allocated as follows:

56 1. Twenty-five percent shall be transferred to the Virginia Outdoors Foundation's Open-Space
57 Lands Preservation Trust Fund to be used as provided in § 10.1-1801.1; and

58 2. Seventy-five percent shall be divided equally among the following four grant uses: (i) natural
59 area protection; (ii) open spaces and parks, including but not limited to, land for public hunting, fishing
60 or wildlife watching; (iii) farmlands and forest preservation; and (iv) historic area preservation. Of the
61 amount allocated as provided in this subdivision, at least one third shall be used to secure easements to be
62 held or co-held by a public body.

63 D. In any fiscal year-in for which the Fund-contains is appropriated \$10 million or more-in new
64 ~~deposits on September 1~~, and after an allocation for administrative expenses has been made as provided
65 in subsection G, the remaining unrestricted funds in the Fund shall be allocated as follows:

66 1. Twenty-five percent shall be transferred to the Virginia Outdoors Foundation's Open-Space
67 Lands Preservation Trust Fund to be used as provided in § 10.1-1801.1; and

68 2. The remaining funds shall be divided equally among the following five grant uses: (i) natural
69 area protection; (ii) open spaces and parks, including but not limited to, land for public hunting, fishing,
70 or wildlife watching; (iii) farmland preservation; (iv) forestland conservation; and (v) historic area
71 preservation.

72 E. Any moneys remaining in the Fund at the end of a biennium shall remain in the Fund, and shall
73 not revert to the general fund. Interest earned on moneys received by the Fund other than bond proceeds
74 shall remain in the Fund and be credited to it. Any funds transferred to the Open-Space Lands Preservation
75 Trust Fund pursuant to this section and not disbursed or committed to a project by the end of the fiscal
76 year in which the funds were transferred shall be returned to the Virginia Land Conservation Fund and
77 shall be redistributed among the authorized grant uses during the next grant cycle.

78 F. A portion of the Fund, not to exceed twenty percent of the annual balance of unrestricted funds,
79 may be used to develop properties purchased in fee simple, or through the purchase of development rights,

80 with the assets of the Fund for public use including, but not limited to, development of trails, parking
81 areas, infrastructure, and interpretive projects or to conduct environmental assessments or other
82 preliminary evaluations of properties prior to the acquisition of any property interest.

83 G. Up to \$250,000 per year of the interest generated by the Fund may be used for the Foundation's
84 administrative expenses, including, but not limited to, the expenses of the Board and its members,
85 development of the Foundation's strategic plan, development and maintenance of an inventory of
86 properties as provided in subdivision 1 b of § 10.1-1021, development of a needs assessment for future
87 expenditures as provided in subdivision 1 c of § 10.1-1021, and fulfillment of reporting requirements. All
88 such expenditures shall be subject to approval by the Board of Trustees.

89 H. The Comptroller shall maintain the restricted funds and the unrestricted funds in separate
90 accounts.

91 I. For the purposes of this section, "public body" shall have the meaning ascribed to it in § 10.1-
92 1700, and "holder" shall have the meaning ascribed to it in § 10.1-1009.

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